

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Cr. No. 04-10336-NMG
)
 JOSE SANTIAGO ET AL.)
)
 Defendants)

**GOVERNMENT'S MOTION TO SEQUESTER WITNESSES AND TO REQUEST THAT
THE CASE AGENT BE ALLOWED TO REMAIN IN THE COURTROOM**

The government moves that, except as set forth below, all prospective witnesses in this case be sequestered from the courtroom during the trial of this matter. Under Rule 615 of the Federal Rules of Evidence, the Court (either on its own motion or at the request of any party) may order witnesses excluded so that they cannot hear the testimony of other witnesses. The government fully intends to sequester its witnesses in accordance with Rule 615, agrees that it will not speak with any witness being cross-examined during a recess, but believes that such a sequestration order should apply to defense witnesses as well.

The government also requests only that one of the principal investigators in this case, either DEA Special Agent Calice Couchman or Massachusetts State Police Lieutenant Terry Hanson, be afforded the opportunity to remain in the courtroom during the entire trial in order to assist the prosecution. E.g., United States v. Machor, 879 F.2d 945 (1st Cir. 1989) (recognizing that government's principal investigator falls within exemption of

Rule 615 and should be permitting to remain in courtroom to assist prosecution in all but exceptional cases); United States v. Martin, 920 F.2d 393 (6th Cir 1990)(case agent falls within exception to sequestration order and was permitted to stay at counsel table during trial to assist prosecutors); United States v. Pellegrino, 470 F.2d 1205 (2nd Cir. 1972) (same).

Respectfully Submitted,

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By: _____

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CERTIFICATE OF SERVICE

I, William F. Bloomer, hereby certify that this document filed through the ECF system on September 15, 2006, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non registered participants this date via US Postal Service, postage prepaid.

/s/: William F. Bloomer
WILLIAM F. BLOOMER

Date: 15 September 2006